

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
Joiner et al.) Examiner: Robinson Boyce, Akiba K.
Application No. 10/029,591)
Filed: 12/21/2001) Art Unit: 3628
For: SYSTEM, METHOD AND) Atty. Docket No.
COMPUTER PROGRAM) NAIIP063/01.305.01
PRODUCT FOR A NETWORK)
ANALYZER BUSINESS MODEL)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

In response to the Notice of Allowance mailed 09/19/2008, please enter the following:

REMARKS

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: "[n]one of the prior art of record either individually or in combination teach the following:

- Producing traffic report using a plurality of zone controllers
- Charging a fee based on a number of Web servers or at least one of the agents, the host controllers, and the zone controllers
- Charging a service fee...based on a number of the information collectors
- Charging a fee based on the number of agents, host controllers, zone controllers, or information collectors that collect information about network traffic" (emphasis added).

In response, applicant points out that at least some of the independent claims (e.g. Claims 1, 9, 17, 25, 26 and/or 28) are not necessarily limited to at least some of the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims are not necessarily limited to "Producing [a] traffic report," as the Examiner notes. In addition, at least some of applicant's independent claims do not specifically state "Charging a fee" or "Charging a service fee," in the manner noted by the Examiner.

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of

the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P063).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
Telephone: (408) 505-5100